IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 696 of 2006

Ishtkar S/o Mahaboob
R/o Ward No. 5 Luksari
P.s. Laksar
District Haridwar ... Applicant

Vs

1. State of Uttaranchal
2. Asaan Ali S/o Gohar Ali
   R/o Ward No. 4
   Adarsh Colony, Laksar
   P.S. Laksar
   District Haridwar ... Respondents

Sri Atul Bahuguna, learned counsel for the applicant
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner – Ishtkar who is facing the trial in a case Complaint Case No. 236 of 2006 Ahsaan Ali Vs Isthkhar under Section 138 Negotiable Instrument Act pending in the court of Civil Judge (J.D.)/J.M. Laksar, Haridwar.

2. Brief facts of the case are that the complaint was filed by the respondent No. 2 against the petitioner for the offence under Section 138 Negotiable Instrument Act. The court after having been satisfied, summoned the petitioner vide order dated 22.06.2006 to face the trial under Section 138 Negotiable Instrument Act. The petitioner thus challenged the summoning order as well as prayed for quashing the entire aforesaid criminal proceedings pending against him.

3. Heard Sri Atul Bahuguna, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. Having considered the arguments advanced by the learned counsel for the parties, I am of the view that there is no abuse of process of the court in this case. The averments made in the petition are the disputed question of fat, which can be assessed and judged by the trial court. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence at this stage. Any judgment rendered by me would amount to premature judgment where the evidence is still incomplete and hazy.

5. The petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

25.08.2006
ASWAL